

Notice of Allowability

Application No.

10/664,301

Examiner

Caixia Lu

Applicant(s)

CROWTHER ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 10/26/06.
2. ☒ The allowed claim(s) is/are 1-4, 7-11, ~~14-19~~ and 47-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Leandro Arechederra on December 20, 2007.

The application has been amended as follows:

Specification

- (i) Cancel the amendments to paragraphs [0007], [0008], [0028], [0030], [0032] and [0043] of the Specification filed October 5, 2005.
- (ii) In line 3 of paragraph [0006], replace the term "rate" with --ratio--.

Claims

- (i) In line 3 of claim 1, replace the term " I_{21} " with --melt flow ratio--.
- (ii) Delete the term " (I_{21}) " in the following places: (a) in line 8 of claim 1; (b) in both lines 2 and 7 of claim 49; and (c) in both lines 2 and 7 of claim 50.
- (iii) Delete the term "dg/min" in both lines 3 and 8 of claim 2.
- (iv) At the end of line 2 of claim 11, insert the term --cN-- after "6".
- (v) Replace the term "or" with --and-- in the following places: (a) in line 20 of claim 1; (b) in line 19 of claim 49; and (c) in line 19 of claim 50.

2. The following is an examiner's statement of reasons for allowance:

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The instant claims are directed to a process for preparation of support metallocene catalyst composition comprising combining a High Melt Flow Ratio (MFR) catalyst, a Low MFR catalyst and a diluent comprising mineral or silicon oil wherein the High MFR catalyst is a cyclic bridged metallocene. Ewen et al. (US 4,530,914) teaches a catalyst composition comprising a high melt flow rate metallocene and a low melt flow rate metallocene. Ewen does not teach or reasonably suggest the two metallocene catalysts to have different melt flow ratios and the high MFR catalyst to be the cyclic bridged metallocene. While Crowther et al. (US 6,388,115) teaches the cyclic bridged metallocene with high MFR, Crowther does not teach or reasonably suggests combining the cyclic bridged metallocene with a low MFR metallocene. Therefore, the instant claims are deemed to be nonobvious and novel over the cited prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached on 9:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Caixia Lu
Primary Examiner
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